

# HB0950



## 94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0950

Introduced 2/2/2005, by Rep. John A. Fritchey

### SYNOPSIS AS INTRODUCED:

745 ILCS 49/20

Amends the Good Samaritan Act. Defines "organized program" for the purposes of the Section concerning immunity for free dental clinics. Provides that services donated to a free dental clinic may be provided at a clinic, hospital, medical facility, or private dental office.

LRB094 03688 LCB 33693 b

A BILL FOR

1 AN ACT concerning liability.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Good Samaritan Act is amended by changing  
5 Section 20 as follows:

6 (745 ILCS 49/20)

7 Sec. 20. Free dental clinic; exemption from civil liability  
8 for services performed without compensation. Any person  
9 licensed under the Illinois Dental Practice Act to practice  
10 dentistry or to practice as a dental hygienist who, in good  
11 faith, provides dental treatment, dental services, diagnoses,  
12 or advice as part of the services of an established free dental  
13 clinic providing care to medically indigent patients which is  
14 limited to care which does not require the services of a  
15 licensed hospital or ambulatory surgical treatment center, and  
16 who receives no fee or compensation from that source shall not,  
17 as a result of any acts or omissions, except for willful or  
18 wanton misconduct on the part of the licensee, in providing  
19 dental treatment, dental services, diagnoses or advice, be  
20 liable for civil damages. For purposes of this Section, a "free  
21 dental clinic" is an organized ~~community or public health based~~  
22 program providing, without charge, dental care to individuals  
23 unable to pay for their care. For purposes of this Section, an  
24 "organized program" is a program sponsored by a community,  
25 public health, charitable, voluntary, or organized dental  
26 organization. Services donated to a free dental clinic may be  
27 provided at a clinic, hospital, medical facility, or private  
28 dental office. A free dental clinic may receive reimbursement  
29 from the Illinois Department of Public Aid or may receive  
30 partial reimbursement from a patient based upon ability to pay,  
31 provided any such reimbursements shall be used only to pay  
32 overhead expenses of operating the free dental clinic and may

1 not be used, in whole or in part, to provide a fee or other  
2 compensation to any person licensed under the Illinois Dental  
3 Practice Act who is receiving an exemption under this Section.  
4 Dental care shall not include the use of general anesthesia or  
5 require an overnight stay in a health care facility.

6 The provisions of this Section shall not apply in any case  
7 unless the free dental clinic has posted in a conspicuous place  
8 on its premises an explanation of the immunity from civil  
9 liability provided in this Section.

10 (Source: P.A. 92-92, eff. 1-1-02.)